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SUBJECT: ALBANIA: 2007 UPDATE ON WORST FORMS OF CHILD LABOR

Ref: A) STATE 158223 B) 06 TIRANA 01259

¶1. Summary: Post's 2007 report on Albania's worst forms of child labor will focus on changes and developments over the last year and will not repeat reporting in last year's cable (ref B). Albania continues to make progress in addressing the issue of child labor and child trafficking, but as reported in previous years, a lack of funding and adequate criminal deterrents keep progress on a slow track. The annual EU progress report, released in October 2007, commends Albania for its efforts in this area. Draft amendments to the Penal Code set fines and prison sentences for violations of child labor laws. End Summary.

¶2. Paragraph numbers below correspond to sections in ref A.

9A) What are the laws and regulations proscribing the worst forms of child labor?

No new laws or regulations were enacted concerning child labor in the past year. While the worst forms of child labor are violations of the labor code, there are no civil or criminal penalties for violators. New amendments to the Penal Code awaiting Parliamentary approval will criminalize these violations and will also penalize child abuse, currently not covered in any legislation.

9B) What regulations exist for the implementation and enforcement of proscriptions against the worst forms of child labor?

At the present time, the Ministry of Labor (MOL) has authority to inspect only legal entities, i.e. registered companies. The large, informal economy and family-oriented enterprises are not within the MOL's mandate. However, recently drafted amendments to the Penal Code will provide inspectors with additional powers and authority.

Draft Article 128c of the Penal Code specifies the following penalties:

- exploitation of a minor child for labor or forced services, including begging (by parent or legal guardian) - up to one year in prison and a fine of 50,000 to 100,000 leke (one US dollar = 82 leke);
- if the exploitation is done by a third party - up to three years in prison and a fine of 100,000 to 200,000 leke; and
- if the exploitation causes harm to the health of the child or death - three to seven years in prison.

While this is a start, the very low fines, short prison sentences and low probability of standing trial are not expected to deter this profitable criminal activity.

The MOL has labor inspection offices in major cities, including 50 inspectors in Tirana. However, there are no inspectors specializing in child labor.

9C) Are there social programs specifically designed to prevent and withdraw children from the worst forms of child labor?

The MOL Child Labor Unit, staffed by Shkelqesa Manaj, was established in 2004 with funding for two years by the ILO. The Unit is now wholly funded by the GOA.

The Child Labor Monitoring System (CLMS) was established by the MOL in February 2007. Child Labor Monitoring (CLM) Local Action Committees (LACs) have been set up in Tirana, Berat, and Korca and are composed of the heads of municipalities, labor inspectors, social welfare officers, education officers, trade unions, employment officers, and community police.

The LACs:

- identify child laborers and identify risks to which they are exposed;
- refer them to services for rehabilitation and/or provide them with risk reduction support as a temporary approach; and
- track them to verify that they have been removed and/or that the risk has been eliminated and that they have access to satisfactory alternatives.

Child Protection Units (CPU), dealing with broader social issues surrounding child exploitation, abuse, and neglect, were also established during the past year. NGO projects such as the Transnational Action Project Against Child Trafficking (TACT), with the overall goal of creating mechanisms for local governments to identify and respond to cases of child exploitation. CPUs have been set up in Tirana, Elbasan, Fier, Gjirokaster, Pogradec and Korca.

9D) Does the country have a comprehensive policy aimed at the elimination of the worst forms of child labor?

The main pillars of the GOA's policy framework are:

- the National Strategy for Social Economic Development (previously the PRSP);
- the EU Stabilization and Association Process (SAP); and
- the Millennium Development Goals (MDG).

The PRSP, MDGs and SAP are complementary and mutually re-enforcing on child labor issues in the methodologies that they use and in the time tables that they establish.

National Strategy documents relating to child labor include:

- The National Strategy for Social and Economic Development (NSSD), published in 2004, is the fundamental document which contains government policies to alleviate poverty, guarantee economic development, and attain the development goals for the new millennium. The planned objectives and measures cover a number of issues related to child labor.
- The National Strategy for Children (2005 - 2010) on child protection provides for raising awareness about child labor, setting up municipal and communal structures for protecting children at risk, improvement of legislation concerning children and coordination between central and local governments, NGOs and international organizations to fight child trafficking.
- The National Strategy on Trafficking in Children (2005-2007), including the National Plan of Action, constitutes a comprehensive framework for relevant institutions, with activities on awareness raising, training and capacity building, law enforcement cooperation, victim protection, return and reintegration, legislative reform, and prevention.
- The Strategy for Employment and Vocational Training (February 2003) has created a network of private employment agencies and aims to improve vocational training institutions and provide employment opportunities to marginalized communities&QQ

, - Dhe Strategy for Development o& Qg#i!d S%r6acer (M`rbh 2003) would increase social prot%c4a/n for children, decentralize and widen the variety of sgcial services, and develop alternatives to

institutionalization through SOS villages, shelters and foster families in cooperation with NGOs; and

-- the Strategy on Social Inclusion targets child labor and gives priority to the progressive elimination of the worst forms of child labor.

While education is compulsory through the ninth grade, police have no mandate to take action against children or their parents for violations. The MOL is reviewing a proposal which would withhold welfare payments from those families whose children do not attend school.

9E) Is the country making continual progress toward eliminating the worst forms of child labor?

As a result of the Child Labor Monitoring System (CLMS) (Paragraph 9C), 300 working children and children at risk (142 boys and 158 girls) have been identified and referred to LACs, out of which 77 children (39 boys and 38 girls) have been withdrawn from exploitation as a result of the Action Program and 223 children (110 boys and 113 girls) have been prevented from exploitation.

Child labor is and has been most commonly found in the construction and agriculture industries, as well as family workers in car washes and as street vendors and beggars.

Children are trafficked mostly for forced labor which includes forced begging, selling of small items like cigarettes and chewing gum, and petty crime. It is assumed that a portion of children trafficked for labor are also sexually exploited, but no formal investigation has been conducted to determine the extent of their sexual exploitation. Internal trafficking to large cities in Albania is increasing. According to interlocutors, internal trafficking is increasing partly because Albanian children are being pushed out of their traditional markets in neighboring countries as child trafficking from countries like Kosovo and Macedonia increases. The ban on power boats in 2006 has reduced significantly child trafficking to Italy, but Greece remains a main destination country.

13. Sources for this update include: Shkelqesa Manaj - Director of MOL's Child Labor Unit; Etleva Vertopi - Director of the ILO-IPEC office; the May 31, 2007 MOL report to the ILO as required by Convention 182; USAID anti-trafficking advisor Kelly Cronen; and Thierry Agagliate - director of the NGO "Terre des hommes."

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